

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

AARON ADAIL, Register No. 517081,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 06-4287-CV-C-SOW
	)	
LARRY CRAWFORD, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On October 10, 2007, United States Magistrate Judge William A. Knox recommended that defendants' motions to dismiss be granted, in part, and denied, in part. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed, although plaintiff was granted an extension of time in which to do so.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of October 10, 2007, is adopted. [36] It is further

ORDERED that defendants' motions to dismiss are granted, in part, and denied, in part, as follows: [14, 27]

A. Defendants' motion to dismiss is granted as to plaintiff's personal capacity claims against defendants under the ADA and the RA, and these claims are dismissed for failure to state a claim;

B. Defendants' motion to dismiss is granted on plaintiff's section 1983 claims against defendants Larry Crawford, Randee Kaiser, Dwayne Kempker, and Joe Warren and these claims are dismissed for failure to state a claim on which relief may be granted under 42 U.S.C. § 1983;

C. Defendants' motion to dismiss is denied on plaintiff's official capacity claims against defendants under the ADA and RA; and

D. Defendant Hutschreider's motion to dismiss plaintiff's section 1983 claims is denied.

/s/Scott O. Wright  
SCOTT O. WRIGHT  
Senior United States District Judge

Dated: February 27, 2008